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36 *Caesars Enterprise Services, LLC and Caesars Entertainment*

37 **UNITED STATES DISTRICT COURT**  
38 **DISTRICT OF NEVADA**

39 MICHAEL D'AMORE, ADAM BYCINA, and  
40 RICHARD D'HONDT, on behalf of themselves,  
41 and all others similarly situated,

42 Plaintiffs,

43 v.

44 CAESARS ENTERPRISE SERVICES, LLC,  
45 CAESARS ENTERTAINMENT  
46 CORPORATION, and DOES 1 through 50,  
47 inclusive,

48 Defendants.

49 Case Number: 2:18-cv-01990-JCM-VCF

50 **JOINT STIPULATION AND**  
51 **ORDER TO AMEND COMPLAINT WITH**  
52 **PROPER DEFENDANT, AND DISMISS**  
53 **CAESARS ENTERTAINMENT**  
54 **CORPORATION AND CAESARS**  
55 **ENTERTAINMENT SERVICES WITHOUT**  
56 **PREJUDICE**

1 Pursuant to Fed. R. Civ. P. 15, 23(e), and 41, Plaintiffs MICHAEL D'AMORE, ADAM  
 2 BYCINA, and RICHARD D'HONDT ("Plaintiffs"), and Defendants CAESARS ENTERPRISE  
 3 SERVICES, LLC, and CAESARS ENTERTAINMENT CORPORATION ("Defendants"), collectively  
 4 "Parties," hereby submit this joint request and proposed order for Plaintiffs to amend the complaint  
 5 naming the proper employer and defendant, and the Court's approval for the voluntary dismissal of  
 6 Defendants Caesars Entertainment Corporation, and Caesars Enterprise Services.

7 **STIPULATION**

8 **WHEREAS**, on 15 October 2018 Plaintiffs MICHAEL D'AMORE, ADAM BYCINA, and  
 9 RICHARD D'HONDT filed their complaint in the United States District Court for the District of  
 10 Nevada naming CAESARS ENTERPRISE SERVICES, LLC, and CAESARS ENTERTAINMENT  
 11 CORPORATION as Defendants, on information and belief a both entities were proper Defendants.

12 **WHEREAS**, on 26 November 2018, Defendants filed a motion to dismiss under Fed. R. Civ. P.  
 13 12(b)(1) and 12(b)(6), asserting, among other things, that Defendant Caesars Entertainment Corporation  
 14 is not a proper defendant because that entity did not employ Plaintiffs or the putative class.

15 **WHEREAS**, on 10 December 2018, Plaintiffs filed their opposition to Defendants' motion to  
 16 dismiss.

17 **WHEREAS**, on 12 February 2019, the Court held a hearing regarding the Proposed Discovery  
 18 Plan and Scheduling Order. The Court proposed conducting discovery to resolve the issue of co–  
 19 employment and correct employer, and the Parties agreed to this approach.

20 **WHEREAS**, on 14 February 2019, Parties met and conferred by telephone, and also by email, to  
 21 discuss the discovery plan to resolve the co–employment and proper employer issues.

**WHEREAS**, in the interest of judicial economy and conservation of resources by the Parties, Defendants by and through their counsel, identified Desert Palace LLC dba Caesars Palace - Las Vegas as Plaintiffs' proper employer and defendant.

**WHEREAS**, the proper employer and defendant having been identified by Defendants, Parties agree that CAESARS ENTERPRISE SERVICES, LLC, and CAESARS ENTERTAINMENT CORPORATION should be dismissed without prejudice, and Parties to bear their own costs.

**WHEREAS**, Plaintiffs shall amend the complaint reflecting the proper employer/entity.

**WHEREAS**, the newly named, proper employer/entity defendant shall have 14 days to answer or, without prejudice, otherwise respond to Plaintiffs' amended complaint by re-filing or amending the pending motion to dismiss..

WHEREAS, the Parties to the amended complaint shall file an Amended Discovery Plan and Scheduling Order within 21 days of the filing of Plaintiffs' amended complaint; provided, however, that nothing in this stipulation shall prevent the newly named defendant from seeking a stay of discovery as it may deem appropriate.

**IT IS HEREBY STIPULATED**, by and between Plaintiffs and Defendants, by and through their respective counsel of record, that:

1. Caesars Entertainment Corporation, and Caesars Entertainment Services are hereby dismissed without prejudice, each Party to bear their own fees and costs; and
  2. Plaintiffs' proper employer is Desert Palace LLC dba Caesars Palace - Las Vegas; and
  3. Plaintiffs have seven court days to file a First Amended Complaint; and
  4. The newly named, proper employer/entity defendant shall have 14 days to answer or, without prejudice, otherwise respond to Plaintiffs' amended complaint by re-filing or amending the pending motion to dismiss.

5. The Parties to the amended complaint shall file an Amended Discovery Plan and Scheduling Order within 21 days of the filing of Plaintiffs' amended complaint; provided, however, that nothing in this stipulation shall prevent the newly named defendant from seeking a stay of discovery as it may deem appropriate.

Dated this 20th day of February 2019.

## THE MARKHAM LAW FIRM

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*Attorneys for Defendants  
Caesars Enterprise Services, LLC, and  
Caesars Entertainment Corporation*

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED that:

1. Caesars Entertainment Corporation, and Caesars Entertainment Services are hereby dismissed without prejudice, and all parties are to bear their own costs;
  2. Plaintiffs have seven court days to file a First Amended Complaint naming proper defendant Desert Palace LLC dba Caesars Palace - Las Vegas;
  3. The newly named, proper employer/entity defendant shall have 14 days to answer or, without prejudice, otherwise respond to Plaintiffs' amended complaint by re-filing or amending the pending motion to dismiss.

4. The Parties to the amended complaint shall file an Amended Discovery Plan and Scheduling Order within 21 days of the filing of Plaintiffs' amended complaint; provided, however, that nothing in this stipulation shall prevent the newly named defendant from seeking a stay of discovery as it may deem appropriate.

## **IT IS SO ORDERED.**

February 22, 2019

Dated: \_\_\_\_\_

James C. Mahan  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of The Markham Law Firm and that on this 20th day of February, 2019, I caused to be sent via this Court's ECF Filing, a true and correct copy of the above and foregoing **JOINT STIPULATION AND [PROPOSED] ORDER TO AMEND COMPLAINT WITH PROPER DEFENDANT, AND DISMISS CAESARS ENTERTAINMENT CORPORATION AND CAESARS ENTERTAINMENT SERVICES WITHOUT PREJUDICE** to the following:

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